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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Kimberly G. Anderson Senior Trial Counsel 845 S. Figueroa St. Los Angeles, CA 90017 (213) 765-1083 Bar # 150359	Case Number(s): 16-O-15820 16-O-17014	For Court use only <div style="text-align: center;"> PUBLIC MATTER FILED  SEP 13 2017 STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Gregory Lee Parkin 2500 W. Orangethorpe. Ste. # V Fullerton, CA 92833 (714) 526-2626 Bar # 55989	Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: GREGORY LEE PARKIN Bar # 55989 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **June 29, 1973**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of **13** pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".



- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- ☒ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(h) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline**
- (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☐ **Intentional/Bad Faith/Dishonesty:** Respondent's misconduct was dishonest, intentional, or surrounded by, or followed by bad faith.
- (3) ☐ **Misrepresentation:** Respondent's misconduct was surrounded by, or followed by, misrepresentation.
- (4) ☐ **Concealment:** Respondent's misconduct was surrounded by, or followed by, concealment.
- (5) ☐ **Overreaching:** Respondent's misconduct was surrounded by, or followed by, overreaching.
- (6) ☐ **Uncharged Violations:** Respondent's conduct involves uncharged violations of the Business and Professions Code, or the Rules of Professional Conduct.
- (7) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

- (8) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public, or the administration of justice.
- (9) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (10) ☐ **Candor/Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct, or to the State Bar during disciplinary investigations or proceedings.
- (11) ☒ **Multiple Acts:** Respondent's current misconduct evidences multiple acts of wrongdoing. See Stipulation Attachment at page 10.
- (12) ☐ **Pattern:** Respondent's current misconduct demonstrates a pattern of misconduct.
- (13) ☐ **Restitution:** Respondent failed to make restitution.
- (14) ☐ **Vulnerable Victim:** The victim(s) of Respondent's misconduct was/were highly vulnerable.
- (15) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(i) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not likely to recur. **See Stipulation Attachment at page 10.**
- (2) ☐ **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct or to the State Bar during disciplinary investigations and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps demonstrating spontaneous remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted with a good faith belief that was honestly held and objectively reasonable.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.

- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pre-Filing Stipulation - See Stipulation Attachment at page 10.

D. Discipline:

- (1) ☒ **Stayed Suspension:**
- (a) ☒ Respondent must be suspended from the practice of law for a period of **one (1) year**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: .
- (b) ☒ The above-referenced suspension is stayed.
- (2) ☒ **Probation:**
- Respondent must be placed on probation for a period of **two (2) years**, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)
- (3) ☒ **Actual Suspension:**
- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of **ninety (90) days**.
- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and fitness to practice and present learning and ability in the general law pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following: .

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and present learning and ability in the general law, pursuant to standard 1.2(c)(1), Standards for Attorney Sanctions for Professional Misconduct.
- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.
- In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.
- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason: .
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:
- ☐ Substance Abuse Conditions ☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule **9.20**, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: .
- (5) ☐ **Other Conditions:**

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CASE NUMBERS: 16-O-15820 and 16-O-17014

8. Respondent then filed a motion to withdraw which was ultimately granted by the Court on February 16, 2016 due to T.W.'s nonpayment of attorney's fees and a conflict of interest between Respondent and T.W. as a result of T.W.'s accusation that Respondent had committed professional misconduct.

9. The purchaser of the property, sued Respondent and T.W. for quiet title to remove the lien T.W. had executed in favor of Respondent, which was creating a cloud over the purchaser's ownership of the property. Respondent relinquished his interest in the lien he had obtained from T.W., which was junior to an HOA lien, and the court dismissed the case against Respondent and T.W. once the purchaser obtained clear title to the property.

9. On September 5, 2017, Respondent terminated his association with Shippee.

CONCLUSIONS OF LAW:

10. By obtaining a lien against the property without obtaining T.W.'s consent in writing to the terms of the interest, Respondent acquired an interest adverse to his client, T.W. in willful violation of Rules of Professional Conduct, rule 3-300.

11. By adding the date of January 13, 2016 to a substitution of attorney that had been pre-signed by his client, T.W., and by filing the substitution of attorney without T.W.'s consent when he knew T.W. had not signed the substitution of attorney on January 13, 2016, Respondent thereby sought to employ means inconsistent with the truth by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

12. By failing to notify his client, T.W., that he was filing the substitution of attorney with the court on January 13, 2016 to substitute out of T.W.'s case, Respondent failed to keep Respondent's client, T.W., reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m)

13. By failing to serve upon the State Bar of California, prior to or at the time of his January 1, 2001 employment of Shippee or at any time until November 4, 2016, written notice of Respondent's employment of Shippee, whom Respondent knew was resigned from the State Bar of California, Respondent failed to serve upon the State Bar of California, prior to or at the time of such employment, written notice of Respondent's employment, Respondent willfully violated Rules of Professional Conduct, rule 1-311(D).

Case No. 16-O-17014 (Complainant: J.P.)

FACTS:

14. At all relevant times, Respondent was representing the husband, C.P., in a marital dissolution case in Orange County Superior Court.

15. J.P. filed a State Bar complaint alleging that Michael Shippee ("Shippee"), a former attorney who had resigned from the State Bar, had sent her email correspondence, in which he held himself out as an attorney and engaged in settlement negotiations with her and her subsequently retained attorney, B.F.

16. On March 30, 2016, Shippee sent an email to J.P. which stated, in pertinent part, "I am one of the attorneys who still works for the Law Office of Gregory Parkin in Fullerton, California." Shippee went on to confirm the agreement reached between J.P. and Respondent's client, C.P., and asked J.P. to contact him to either confirm the terms or discuss any portion of the email. Shippee did not copy Respondent with this email, but Respondent's lack of supervision enabled Shippee to send the email to J.P. directly without Respondent's actual knowledge.

17. On April 5, 2016, Shippee sent another email to J.P. which asked her to advise the current status of her efforts to find a new attorney. Shippee went on to state, "while we understand your right to obtain a new attorney, [C.P.] – on the same hand wants to ensure we are moving quickly to either resolve these issues between you and out of court by written Stipulation, or that we file the papers needed to place these issues in the court's hands to decide." Shippee did not copy Respondent on this email, but Respondent's lack of supervision enabled Shippee to send the email to J.P. directly without Respondent's actual knowledge.

18. On May 18, 2016, Shippee sent an email to J.P. which stated he had communicated J.P.'s settlement proposal to Respondent's client and would have a response shortly. Shippee also stated he will always be willing to discuss the matter personally by telephone because it is much easier to "discuss" resolving legal matters to avoid any misunderstanding or missed issues. Again, Shippee did not copy Respondent on this email, but Respondent's lack of supervision enabled Shippee to send the email to J.P. directly without Respondent's actual knowledge.

19. On June 10, 2016, Respondent sent a letter to J.P.'s newly retained attorney, B.F. In the letter, Respondent referenced communications between B.F. and Shippee which included discussing the merits of the case. The letter was faxed from Shippee's fax number, the letter was on Respondent's letterhead and Shippee used the letter to negotiate a matter for Respondent's client with a third party, J.P. and her attorney B.F., which was prohibited under Rules of Professional Conduct, rule 1-311(B). Respondent's lack of supervision enabled Shippee to send the email to J.P. directly without Respondent's actual knowledge.

20. On June 14, 2016, Respondent sent another letter to B.F. In the letter, Respondent referenced communications between B.F. and Shippee. The letter was faxed from Shippee's location on Respondent's letterhead and the contents of the letter shows that Shippee was negotiating or transacting a matter for or on behalf of Respondent's client with a third party, J.P. and B.F., which was prohibited under Rules of Professional Conduct, rule 1-311(B).

21. Respondent personally appeared at a number of court hearings in the case with Shippee where Shippee primarily handled the negotiations with J.P. and B.F.

22. On November 4, 2016, after having spoken with a State Bar Investigator, Respondent notified the State Bar of his employment of resigned attorney Michael Shippee even though Respondent had employed Shippee as a paralegal/legal assistant for approximately fifteen (15) years, since January 1, 2001.

23. On September 5, 2017, Respondent terminated his association with Shippee and issued Shippee a cease and desist letter directing Shippee to refrain from using Respondent's name or law license, and from referring to himself as an "attorney" with Respondent's law office.

CONCLUSIONS OF LAW:

24. By employing, aiding and associating professionally with Shippee, who Respondent knew was an attorney who had resigned from the State Bar of California with charges pending, and by permitting Shippee to negotiate or transact any matter for or on behalf of the client with third parties, to hold himself out as an attorney, and to negotiate a settlement on behalf of the parties in the marital dissolution case Respondent willfully violated Rules of Professional Conduct, rule 1-311(B).

25. By failing to supervise Shippee, and by delegating the primary responsibility to Shippee for handling the litigation in the marital dissolution case, without supervision, and by permitting Shippee to send an email to J.P. in which Shippee represented to J.P. that he was an attorney in Respondent's law office, Respondent willfully violated Business and Professions Code, section 6133.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Wrongdoing (Std. 1.5(b)): Respondent's misconduct occurred in two separate client matters and involved six ethical violations.

MITIGATING CIRCUMSTANCES.

No Prior Discipline (Standard 1.6): Respondent was admitted to practice law in 1973 and has no prior record of discipline. Even though Respondent's misconduct was serious, he should receive mitigation, based upon the case law. (*In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [attorney credited with significant mitigation for serious misconduct where the attorney had practiced discipline-free for seventeen years].) Moreover, by terminating his association with Shippee and issuing Shippee a cease and desist order, Respondent's misconduct is not likely to recur.

Prefiling Stipulation: By entering into this stipulation, respondent has acknowledged misconduct and is entitled to mitigation for recognition of wrongdoing and saving the State Bar significant resources and time. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability]; *In the Matter of Spaith* (Review Dept. 1996) 3 Cal. State Bar Ct. Rptr. 511, 521 [where the attorney's stipulation to facts and culpability was held to be a mitigating circumstance].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to standards are to this source.) The standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silvertown* (2005) 36 Cal.4th 81, 92, quoting *In re*

Brown (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) “Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure.” (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given standard, in addition to the factors set forth in the specific standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member’s willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

In this matter, respondent admits to committing six acts of professional misconduct. Standard 1.7(a) requires that where a respondent “commits two or more acts of misconduct and the Standards specify different sanctions for each act, the most severe sanction must be imposed.”

The most severe sanction applicable to respondent’s misconduct is found in both standards 2.12(a) and 2.18, which applies to respondent’s violations of Business and Professions Code sections 6068(d) and 6133, respectively. Standards 2.12(a) and 2.18 both state that disbarment or actual suspension is the presumed sanction.

There do not appear to be any reported discipline cases involving Business and Professions Code section 6133, but cases relating to aiding the unauthorized practice of law and violations of Business and Professions Code section 6068(d) provides some guidance.

In *Drociak v. State Bar* (1991) 52 Cal.3d 1085, the attorney answered interrogatories directed to his client and attached the client’s pre-signed verifications to the interrogatories, without first consulting with the client to assure that the answers were true. In aggravation, Drociak had other clients sign blank verifications; his misconduct posed a threat of harm to the administration of justice; and he demonstrated no remorse for his misconduct. In mitigation, Drociak had 25 years of practice with no prior discipline; he believed his acts were in the best interests of his client; and there was no harm to his client. The Supreme Court adopted the State Bar’s recommended discipline of one year stayed suspension with two years’ probation on conditions, including thirty days’ actual suspension.

With respect to aiding an unlicensed person in the unauthorized practice of law, where the attorney has been found to aid the unlicensed person in practicing law over a lengthy period of time, coupled with other serious misconduct, such as capping, insurance fraud, fee splitting, or misappropriation, a substantial period of actual suspension to disbarment is warranted. (See, e.g., *In the Matter of Huang* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 296 (two-year actual suspension for aiding UPL, failure to supervise and charging illegal fees for loan modification in 8 client matters, *In the Matter of Jones* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 411 (two-year actual suspension for failing to perform competent legal services, forming a partnership with non-lawyers, splitting fees, and failing to supervise large-scale personal injury practice leading to insurance fraud, harms to clients and a misappropriation), *In the Matter of Valinoti* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 498 (three-year actual suspension where attorney aided and abetted notarios in UPL in large-scale immigration law practice). However, in the instant case, we only have two incidents relating to the hiring of a resigned attorney and

no demonstrable evidence of harm, fraud, capping, misappropriation or illegal fee splitting. In such cases, significantly less discipline is warranted.

In *In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, the Review Department recommended that an attorney be actually suspended for six months and receive a two-year stayed suspension and two years' probation. In that matter, the attorney represented two clients in matters in South Carolina even though she was not entitled to practice law in that jurisdiction in violation of rule 1-300(B), and the attorney committed an act of moral turpitude and charged an illegal and unconscionable fee. In *Wells*, the Review Department acknowledged that the range of discipline where an attorney engages in unauthorized practice of law ranged from 30 days' actual suspension to six months' actual suspension. *Id.* at 913. In the instant case, Respondent's misconduct did not directly involve his own unauthorized practice of law, but did involve his employment of a resigned attorney who committed unauthorized practice of law, such that the distinction is without a difference in terms of range of discipline. However, unlike the attorney in *Wells*, Respondent does not have a prior record of discipline.

In *In the Matter of Nelson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 178, it was stipulated that respondent entered a partnership for the practice of law with a non-lawyer, divided fees with the non-lawyer, and used the non-lawyer as a capper over a six-month time period. There was no evidence of harm to clients. In addition, cases were transferred to another lawyer who settled cases without client authority and misappropriated a portion of their settlement proceeds. There, the respondent showed mitigation in the form of decisive withdrawal from the misconduct and thorough cooperation with the State Bar. In addition, five years had elapsed between the misconduct and the hearing. In *Nelson* respondent received six months' actual suspension. The Review Department reasoned that the attorney's strong mitigation lessened the need for the type of strict discipline imposed by the Supreme Court in such matters, but did not eliminate the need for measurable discipline to maintain the integrity of and public confidence in the legal profession.

On balance, and given Respondent's 43 year practice without discipline, which is a substantial mitigating factor, and given the fact that Respondent acknowledges that he failed to properly supervise Shippee, and that he has terminated his business relationship with Shippee so that the misconduct is not likely to recur, discipline of 90 days' actual suspension is appropriate. Even though Respondent has been an attorney for a long time, and even though the misconduct only occurred in two specific matters, there is a need for measured discipline involving more than just the minimal amount of actual suspension to maintain the integrity of the attorney discipline system and the public confidence in the legal profession.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Chief Trial Counsel has informed respondent that as of September 5, 2017, the discipline costs in this matter are approximately \$4291. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

EXCLUSION FROM MINIMUM CONTINUING LEGAL EDUCATION ("MCLE") CREDIT

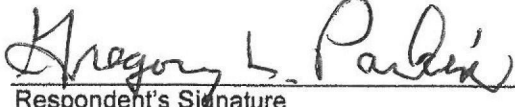
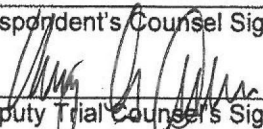
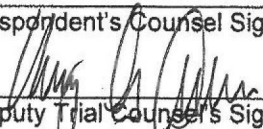
Respondent may not receive MCLE credit for completion of State Bar Ethics School to be ordered as a condition of reproof or suspension. (Rules Proc. of State Bar, rule 3201.)

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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>9-7-17</u> Date	<u></u> Respondent's Signature	<u>Gregory Lee Parkin</u> Print Name
<u>9/11/17</u> Date	<u></u> Respondent's Counsel Signature	<u>Kimberly G. Anderson</u> Print Name
	<u></u> Deputy Trial Counsel's Signature	<u>Kimberly G. Anderson</u> Print Name

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ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

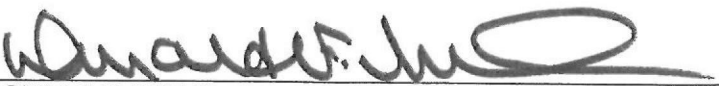
1. On page 8 of the stipulation, in numbered paragraph 13, "written notice of Respondent's employment, Respondent willfully violated Rules of Professional Conduct, rule 1.311(D)" is deleted, and in its place is inserted "written notice of his employment of a resigned attorney, in willful violation of Rules of Professional Conduct, rule 1.311(D)."

2. On page 12 of the stipulation, in the first full paragraph, line 5, "the attorney committee an act of moral turpitude" is deleted, and in its place is inserted "the attorney committed an act of moral turpitude".

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

9/13/17


DONALD F. MILES
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 13, 2017, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

GREGORY LEE PARKIN
2500 W ORANGETHORPE AVE STE V
FULLERTON, CA 92833 - 4237

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

KIMBERLY G. ANDERSON, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 13, 2017.



Mazie Yip
Case Administrator
State Bar Court